

Contact
SOVA ...

Restitution & Subrogation

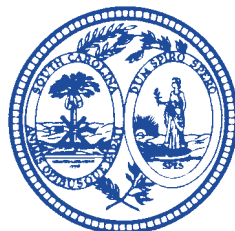
**Edgar Brown Building, Room 401
1205 Pendleton Street
Columbia, SC 29201**

Phone: 803.734.1900
Fax: 803.734.1708

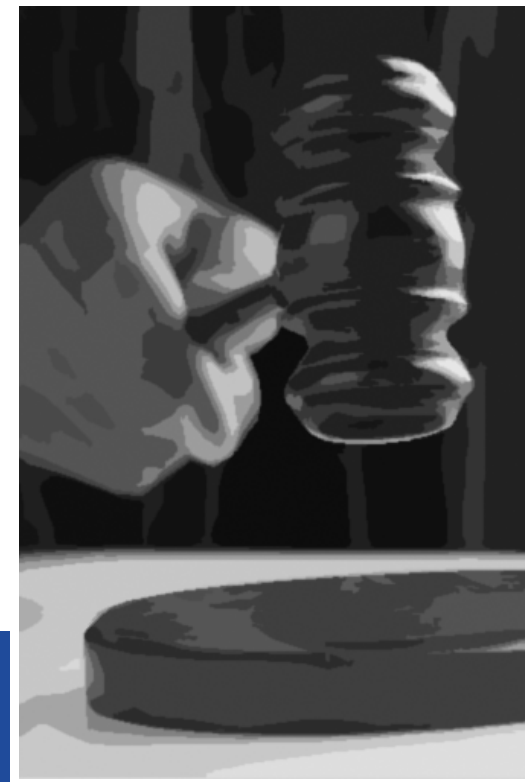
Victims' Line: 1.800.220.5370
(8am - 5pm, Mon. - Fri.)

www.govoepp.state.sc.us/sova

South Carolina
State Office of Victim Assistance



An Office of the Governor



SOVA
**State Office of
Victim Assistance**

An Office of the Governor of South Carolina

SOVA

Restitution & Subrogation

Laws Governing Restitution

Rooted in *justice*
Guided by *law*
Propelled by *humanity*

In 1983, the South Carolina Crime Victims' Act was passed creating the State Office of Victim Assistance (SOVA) and the Crime Victim's Compensation Fund. The Fund was placed under the administration of the State Office of Victim Assistance in 1989. In 1993, as part of the Restructuring and Accountability Act, SOVA was placed under the Governor's Office.

SOVA provides support and advocacy, as well as financial assistance to eligible victims of crime in South Carolina. Financial assistance is provided from the South Carolina Crime Victims' Compensation Fund for medical, counseling, or burial expenses. SOVA can also provide compensation for lost wages.

Although a majority of the Compensation Fund comes from fines, fees and assessments ordered by the court to be paid by convicted offenders, SOVA also receives a substantial amount from restitution and subrogation. In order to ensure the solvency of the Compensation Fund, SOVA asks that all parties collaborate so that victims can continue to receive the services they desperately need.

In many cases, victims may receive restitution or a financial settlement as result of a crime. SOVA asks to be kept aware of any legal proceedings that may result in the victim receiving monies from the offender or a third party. Upon notification, SOVA will work with the victim to redirect payment to the Compensation Fund in order to replenish money lost through medical expenses incurred on the victim's behalf.

State law guarantees SOVA subrogation rights to recoup any settlement the victim may receive as a result of the crime. On the initial application, each claimant/victim is responsible for providing a signature that ensures SOVA will be reimbursed for any money paid out on the victim's behalf if restitution or subrogation is ordered. SOVA strives to serve as many victims as possible and the collection of restitution and subrogation will ensure the office has the resources necessary to continue the delivery of essential services.

Collaboration

Restitution and subrogation are vital to the Compensation Fund's solvency and to ensure that future victims receive the necessary services to help them obtain the proper medical care or funeral expenses. SOVA needs the assistance of all parties involved in aiding with the collection and monitoring of restitution payments. If there are any questions regarding restitution or if any information is needed on payment history, please call SOVA at 803-734-1900 and ask to speak to a Restitution Coordinator.

SECTION 16-3-1250 of the SC Code of Laws reads that payment of an award pursuant to this article subrogates the State to the extent of the payment to any right of action accruing to the claimant or to which the award is made, except that subrogation shall not reduce the financial recovery by the victim, claimant, or intervenor to less than one hundred percent of the actual losses or expenses. The subrogation amount must be reduced if there is a jury award or judicial award in a bench trial, which results in a loss to the victim, claimant, or intervenor. Subrogation shall not be reduced if the action is terminated other than by a jury award or judicial award in a bench trial.

SECTION 16-3-1270 of the SC Code of Laws reads that if a person is unable at the time of sentencing, or at any other time, the court may set to pay a restitution charge imposed by the court pursuant to §§24-23-210 through 24-23-230, such restitution charge shall constitute a lien against the offender and against any real or personal property of the offender. A restitution charge shall not constitute a lien if it is waived by the Director pursuant to §24-23-210. Such lien may be filed by the Attorney General in the respective offices of the clerks of court and registers of deeds of this State in the same manner state tax liens are filed and may be enforced and collected by the Attorney General in the same manner state tax liens are enforced and collected.